

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application No. 10/572,593)	Confirmation No. 3394
Filed: March 20, 2006)	ATTN: Donna S. Greene
International Application No.: PCT/NZ04/00216)	PCT Operations - National Stage Division
International Application Filed: September 13, 2004)	

REQUEST FOR TWO MONTH EXTENSION OF TIME
PURSUANT TO 37 CFR §1.136(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

Applicants hereby request a two month extension of time pursuant to 37 CFR §1.136(b) in order to respond to the Notification of Defective Response issued May 17, 2007 in connection with the above-identified application. A response to this Notification is due June 17, 2007. It is therefore respectfully requested that an extension be granted up to and including August 17, 2007.

Because the provisions of 37 CFR §1.136(a) are not applicable to the time period set for responding to the Notification of Defective Response, Applicants respectfully submit that a request for an extension of time under §1.136(b) is appropriate. Furthermore, Applicants respectfully submit that there is sufficient cause for granting this request. The required fee of \$200.00 under 37 CFR 1.17(g) is submitted herewith.

On May 17, 2007, a Notification of Defective Response was issued indicating that the Declaration filed October 25, 2006 in response to the Notification of Missing Requirements Under 35 U.S.C. 371 issued August 25, 2006 fails to comply with the requirements of 37 CFR 1.497(a) and (b) because the Declaration does not list and is not signed by four of the seven inventors listed in PCT Application No. PCT/NZ04/00216.

The Notification of Defective Response has raised the issue that the inventorship in the above-identified application may be incorrect. Accordingly, Applicant's Attorney

has been diligently attempting to determine the correct inventorship in the above-identified application such that a proper Declaration can be prepared, executed and submitted in response to the Notification.

However, determination of the inventorship in the application has proven difficult and time consuming due to the distance and time difference between New Zealand (where Applicants are located) and Washington, D.C. (where Applicant's attorney is located) and other factors that have developed, including the absence of related records. In attempting to determine the inventorship, Applicant's attorney has contacted Applicant's previous agent (also located in New Zealand) and has reviewed old files provided by Applicant's previous agent in an attempt to determine the correct inventorship. Applicants attorney has also been in continuous contact with Applicants to determine why a change in inventorship occurred.

To date, the inventorship question has not been fully resolved by Applicant's representative, although progress has been made. Accordingly, Applicants respectfully request that an extension of time to respond to the Notification of Defective Response be granted in order to provide Applicants with the additional time necessary to confirm the correct inventorship and subsequently prepare and file a proper Declaration in the above-identified application.

Applicants respectfully submit that failure to grant a reasonable extension of time will result in irreparable loss of patent rights in the invention disclosed in the above-identified application. Additionally, Applicants respectfully submit that, as described above, sufficient cause exists for granting a reasonable extension.

Accordingly, an extension of time under 37 CFR §1.136(b) is deemed appropriate and is respectfully requested.

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Respectfully submitted,

By: Scott A. Braffton
Scott A. Braffton
Registration No. 55,020

Bacon & Thomas, PLLC
625 Slaters Lane, 4th Fl.
Alexandria, Virginia 22314
Phone: (703) 683-0500
Facsimile: (703) 683-1080
1.136(b) Request.wpd
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